

**U.S. Department of Labor**

**Office of the Regional Solicitor**  
**201 12<sup>th</sup> Street South**  
**Arlington, VA 22202**  
**(202) 693-9393**



October 25, 2018

Seth James B. Obed  
Obed Law Group, PLC  
111 Oronoco Street  
Alexandria, VA 22314

Re: *Secretary of Labor v. At Home Personal Care., et al.*: Request to Meet and Confer  
Case No. EDVA 1:18-cv-549-LMB/IDD

Dear Mr. Obed:

I am in receipt of your client's responses and answers to the Secretary's First Set of Production of Documents, First Set of Interrogatories, First Request for Admissions. Upon review of the responses and documents provided, I note the following deficiencies:

Interrogatories

- I-4: Non-responsive/Evasive. The Answer to the Interrogatory that was provided is non-responsive. Did not detail method of calculation as Interrogatory requests. Answer provided is non-responsive
- I-5: Non-responsive/Evasive. The Answer to the Interrogatory that was provided is non-responsive. Further, as previously discussed, the asserted objection is not grounded in good faith or law. The FRCP Rules require that the responding party exercise due diligence and reasonable inquiry. To extent contact information is not available, supervisor and job title can and should be identified.
- I-8: Non-responsive/Evasive. The Answer to the Interrogatory that was provided is non-responsive. For example, the Answer to the Interrogatory provided did specify the job title, contact information, supervisor information (i.e. which individuals identified on Schedule A responsible for whom supervisor is responsible for scheduling and/or supervising.)
- I-15: Non-responsive/Evasive. The Answer to the Interrogatory that was provided is non-responsive. The annual gross revenue for each year identified was not provided.

Request for Admissions

The Objections and Responses to all of the Secretary's First Set of Request for Admissions do not completely respond to the Request. The Requests are sufficiently defined, within the scope of

the matter and address issues of facts and the application of the law to the facts. The Rule require that the answer fairly respond to substance of the matter and when good faith requires, a qualified answered or inability to answer may be asserted. However, Defendant's responses to the Requests neither admit or deny; and, the qualification to each response is inappropriate. Responsive answers or appropriate objections are required. As such, I also to seek to hold a meet and confer to discuss the objections and non-responsive answers to all of the Secretary's Request for Admissions.

Request for Production of Documents

The documents provided in response to the Request for Production of Documents were not organized and labeled in any particular manner as to allow the Secretary to ascertain which documents were responsive to which Requests. The Rules provide that documents must be organized and labeled to correspond to the categories in the request. Defendants produced over 1,500 documents. It is unclear what documents are responsive to what Requests. Defendants needs to clearly identify the documents that are responsive to each individual request. Additionally, a basic housekeeping matter, a number of documents are scanned on the wrong side, thereby making the document contents illegible. Many responses state that the response will be "supplement as needed." This response is non-responsive and evasive. Moreover, it is not clear what is meant by "as needed."

Further, within the response to the Request for Production of Documents, a generic "withheld documents" is stated. To the extent that any documents are withheld and/or redacted, on the basis of privilege or subject to protection as hearing-preparation material, please provide a privilege log as required by Federal Rules of Civil Procedure 26(b)(5) and paragraph III(D) of our Joint Discovery Plan.

Additionally, I am requesting a meet and confer regarding the following, non-responsive and/or incomplete Requests: 2, 3, 4, 5, 6, 9, 12, 13, 16, 17, 18, 20.

Please advise for your availability to participate in a meet and confer either on October 30, 2018 or October 31, 2018. Thank you for your prompt attention to this matter.

Sincerely,

Oscar L. Hampton III  
Regional Solicitor

By: \_\_\_\_\_ /s/ *Ryma Lewis*  
Ryma Lewis  
Trial Attorney